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Customer Number

Patent
Case No.: 58928US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: CARTER, CHAD JOSEPH
Application No.: 10/596954 Confirmation No.: 2894
Filed: 17-DEC-2004
Title: SURFACE ACOUSTIC WAVE SENSOR ASSEMBLIES

RESPONSE TO RESTRICTION REQUIREMENT

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

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August 8, 2011 /Kim Elfstrom/
Date Signed by: Kim Elfstrom

Dear Sir:

This is in response to the Office Action dated July 19, 2011. Claims 1-23 are pending. Claims were restricted under 35 USC § 121 as follows:

- I. Claims 1-18 are said to be drawn to a surface acoustic wave sensor assembly, classified in Class 310, subclass 313D;
- II. Claims 19-23 are said to be drawn to a method of forming a surface wave assembly, classified in Class 29, subclass 25.35.

Election

In response, Applicants elect Group I, with traverse.

Reconsideration and withdrawal or modification of the restriction requirement is respectfully requested.

In Group I, Applicants broadly claim a surface acoustic wave sensor assembly. In Group II, Applicants broadly claim a method of forming a surface wave assembly. Applicants submit that the Groups I and II claims are so interrelated that a search of one group of claims will reveal art to

the other. Moreover, the classification of Groups I and II claims in different classes and subclasses is not necessarily sufficient grounds to require restriction.

Were restriction to be effected between the claims in Groups I and II, a separate examination of the claims in Groups I and II would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I and II would have to be as rigorous as when only the claims of Group I were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I and II, it would place an undue burden by requiring payment of a separate filing fee for examination of the nonelected claims, as well as the added costs associated with prosecuting two applications and maintaining two patents.

Conclusion

Applicants have elected Group I. Continued prosecution of this application is respectfully requested.

It is believed that no fee is due; however, in the event a fee is required please charge the fee to Deposit Account No. 13-3723. The Examiner is invited to contact the undersigned at the indicated telephone number with questions that can be resolved with a simple teleconference.

Respectfully submitted,

August 8, 2011

Date

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